



21 July 2006

Saazi Vuka
Committee Secretary
Portfolio Committee on Health

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Dear Sir/Madam

Comment on Health Professions Amendment Bill

The Pharmaceutical Society of South Africa (PSSA) is a voluntary association of pharmacists. It is an umbrella organisation representing pharmacists in all sectors of pharmacy, including academia, community pharmacy, hospital and institutional pharmacy and the pharmaceutical manufacturing and distribution industry.

The PSSA appreciates the opportunity to comment on the Health Professions Amendment Bill.

Although the Health Professions Act (“HPA”), Act 56 of 1974, does not regulate the practice of pharmacy, because pharmacists are regulated in terms of the Pharmacy Act, Act 53 of 1974, it is clear that any legislation dealing with health professionals and health matters will impact on the pharmacy profession. For this reason, our comment primarily concerns issues of principle.

It is anticipated that the Pharmacy Amendment Bill will be presented to Parliament this year. It is logical that amendments similar to those proposed in the Health Professions Amendment Bill may be introduced in the Pharmacy Amendment Bill.

We have seen the draft SAMA submission, and would like it on record that we support SAMA’s comment. In particular, we would like to place specific emphasis on the opposition to the amendment of section 15(5)(a) of the HPA.

The explanatory notes to the Health Professions Amendment Bill states that one of the objectives of the Bill is to “empower the Minister to appoint members of the professional boards on the basis of nominations as opposed to the costly exercise of elections by members of the profession concerned”.

The legislature is bound by the Constitution to support representative and participatory democracy. It appears that democratic principles and values would be violated by denying the members of a population, in this case health professionals registered under the HPA, the opportunity to participate in determining the leadership of their profession.

While it may be argued that the professions will still have the right to nominate members for consideration by the Minister, there is no guarantee to the profession that their nominees will be appointed. There is therefore a danger that the Board will become, or will be perceived to be, a political rather than a professional body.

Professional autonomy and self-regulation is an essential component for a body that is given the responsibility and authority to set and enforce standards of education and practice. It therefore follows that, in the spirit of professional autonomy, all members of a profession should be allowed to play a part in selecting their peers, who are trusted to use both their professional judgment and consciences when making decisions.

We thank you again for the opportunity to comment, and trust that your deliberations will be fruitful and fair.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ivan Kotzé', enclosed in a thin black rectangular border.

Ivan Kotzé
Executive Director: PSSA